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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,003	06/06/2000	Thomas Muller	367.38637X00	8997

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EXAMINER
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ZIA, SYED

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/588,003

Applicant(s)

MULLER ET AL.

Examiner

Syed Zia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9,27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) 30 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,28 and 32 is/are rejected.
- 7) ☒ Claim(s) 2-8 and 10-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendments filed on May 30, 2006. Original application contained Claims 1-32. Applicant currently amended Claims 9, and 29 Applicant previously elected to withdraw claims 30-31 from consideration at this time. The amendment filed on May 30, 2006 have been entered and made of record. Presently pending claims are 1-29, and 32.

### ***Allowable Subject Matter***

1. Claims 9, 27, and 29 are allowed.
2. Claims 2-8, and 10-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments filed on May 30, 2006 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1, 28, and 32 applicants argued that in the system of cited prior arts Sullivan does not disclose, teach, or suggest "*authentication means for authenticating a*

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*communicating device. Nor does Sullivan disclose, teach, or suggest that if the arbitration requires an authentication of the communicating device, the access control means instructs the authentication means to authenticate the communicating device”.*

Sullivan merely discloses that if a client places a request to register a knowledge object, that the validate module determines if it is authorized to register the knowledge object. No authentication of the source of request (i.e. client) is performed and the validate module does not determine if authentication of the source of request is required during arbitration. Sullivan does not disclose, teach, or suggest authenticating a client at any stage during the registration process.

This is not found persuasive. The system of Sullivan teaches and describes a system and method for registering a knowledge object that includes a server and a client. The server receives a request from the client to register the knowledge object. In response, the server stores a trust stamp and an envelope, and delivers a pointer to the client.

The system includes a first memory storing a trust stamp specifying one of several levels of confidence in the object. A second memory stores an envelope specifying the location of the object. A construct module is coupled to both memories. The module generates a pointer for delivering to the location of the object. The pointer has a first address specifying the trust stamp and a second address specifying the envelope. A communication module communicates to the object's location, the pointer and a self executing program which inserts the pointer into the object. Therefore, this system registers and maintains information on trust, confidence or validity of knowledge object through registration procedure for knowledge object that establishes level of confidence in object (Fig.1-5, and col.9 line 55 to col.11 line 30).

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Thus, the system of cited prior art provides a system that relates to system security architecture for devices which are accessed through a communication network.

Applicants clearly have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. The examiner is not trying to interpret the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that the system of cited prior arts does teach or suggest the subject matter broadly recited in independent Claims 1, 28, and 32 and in subsequent dependent Claims. Accordingly, rejection for claims 1, 28, and 32 is respectfully maintained.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1, 28, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Sullivan. U. S. Patent 5,953,528.

Regarding Claims 1, and 32 teaches and describes a device for communicating with other devices to allow them to access applications (Fig.1-5), comprising:

at least a first application; authentication means for authenticating a communicating device; access control means accessible by a communicating device requesting access to the first application without the communicating device having been authenticated by the authentication means, and arranged to arbitrate whether access of the communicating device to the first application is granted or refused wherein if the arbitration requires an authentication of the communicating device, the access control means instructs the authentication means to authenticate the communicating device (col.9 line 55 to col.11 line 30).

4. Regarding Claim 28 teaches and describes a method of arbitrating the access of a requesting device to a service provided by a providing device (Fig.1-5) comprising:

sending a request to access the service from the requesting device to the providing device; receiving the request at the providing device and passing it, without authenticating the requesting device, to an arbitration means interfacing the service; determining, in the arbitration means, whether to grant or refuse access to the first application by the requesting device, wherein if the determination requires an authentication of the requesting device, the authentication is performed during that determination and not previously (col.9 line 55 to col.11 line 30).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SZ

July 28, 2006

A handwritten signature in black ink, appearing to be 'SZ' followed by a stylized flourish.